

REMARKS

Favorable reconsideration is respectfully requested in light of the following comments. No amendments are presented herein, so consideration of this After-Final Response is respectfully requested.

Claims 1-8, 10-15, 19-21, 24-29, 33-34, 38-40 and 44 are rejected under 35 U.S.C. §102(b) as being anticipated by Gilson et al. (U.S. Patent 6,336,934). Applicant respectfully traverses this rejection. In order to anticipate, the cited reference must disclose each and every claimed element. Gilson et al. fail to do so.

In particular, the claimed invention is directed to a medical device having an elongate shaft or core member that includes a proximal section, portion or region as well as a distal section, portion or region. A connector connects the proximal and distal parts of the shaft or core member, and is fixedly secured to both. Gilson et al. do not disclose this claimed feature, and thus cannot be considered as anticipatory.

The Examiner has asserted that Figure 40 of Gilson et al. discloses the claimed invention. This is not correct, as Figure 40 merely shows a “[g]uidewire with a proximal end 102 and a distal end 103. A tubular sleeve 104 is slidably mounted on the guidewire 101. A collapsible filter 105 is mounted on the sleeve 104, the filter 105 being movable between a collapsed stored position against the sleeve 104 and an expanded position... [and] An olive guide 120 is mounted at a distal end.” See Gilson et al., column 14, line 65 through column 15, line 31.

The Examiner's attention is respectfully drawn to Figure 41, which is a cross-section of Figure 40. For convenience, Figure 41 is reproduced below.

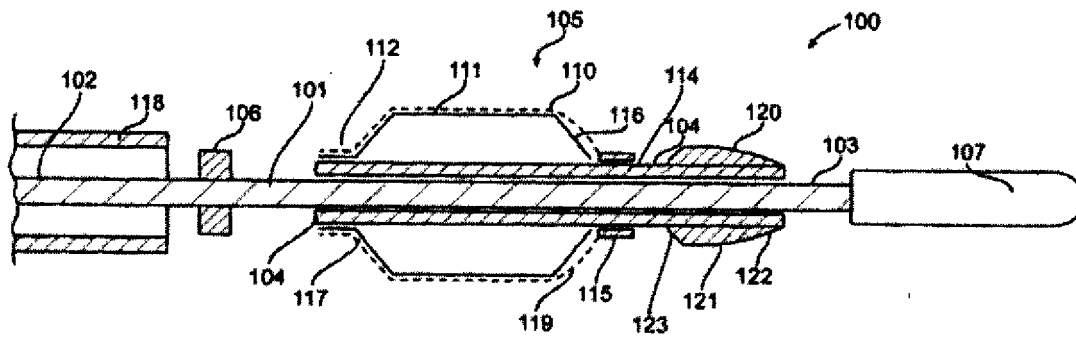


FIG. 41

Clearly, while the olive guide 120 may be mounted on the tubular sleeve 104, it cannot be considered as being secured to the guidewire 101. The olive guide 120 is not a connector; in Gilson et al. the olive guide acts as a slidable element mounted on the guidewire. The Examiner makes the assertion that the olive guide 120 is capable of acting as a connector. This assertion is immaterial because in order to anticipate, the cited reference must actually disclose each and every claimed element. Even if the guidewire 101 and the tubular sleeve 104 can be considered as equivalent to the claimed proximal and distal shaft/core member sections (a point not conceded by Applicant), Gilson et al. cannot be considered as disclosing the claimed connector because Gilson et al. does not disclose any structure that secures the two together. This is a claimed feature not shown by the reference.

Moreover, with respect to independent claim 10, it is noted that the claim requires that the distal and proximal regions of the core member be made from different materials. Similarly, independent claims 24, 39 and 40 recites a core member having distal and proximal portions having different flexibilities.

These are claimed features not shown by the cited reference. The Examiner has pointed to portions of the reference as disclosing this feature, but the cited portion is nothing more than a recitation of possible materials for a filter frame. A filter frame is not a core member, and a list of materials does not expressly disclose selecting different materials, or materials having differing flexibilities, for two different portions of a core member. Again, the reference fails to anticipate.

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Lawrence Wasicek

By his attorney,

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Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349